

PROB 12B  
(12/98)

**United States District Court**

for

**The Western District of New York**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing Is Attached)*

**Name of Offender:** William Walker

**Case Number:** 1:00CR00238-001

**Name of Sentencing Judicial Officer:** Honorable Richard J. Arcara, Chief U.S. District Judge

**Date of Original Sentence:** April 11, 2001

**Original Offense:** Possession With Intent to Distribute and Distribution of Cocaine Base; in violation of Title 21, USC § 841(a)(1) & 841(b)(1)®.

**Original Sentence:** The subject was committed to the custody of the U.S. Bureau of Prisons for a period of 38 months followed by a three year term of supervised release. Special conditions of supervised release included that the defendant shall complete a drug/alcohol evaluation and enter into any treatment to include urinalysis and other testing as directed by the probation officer, to obtain and maintain gainful employment, submit to a search of his person, property, vehicle and place of residence and not to possess a paging device unless approved by the probation officer.

**Modification:** On September 24, 2004, the subject's term of supervised release was modified to include a 60 day period of electronic monitoring curfew restriction due to drug use.

**Type of Supervision:** Supervised Release      **Date Supervision Commenced:** 11/29/03

**PETITIONING THE COURT**

- ☐ To extend the term of supervision for \_ years, for a total term of \_ years.  
☒ To modify the conditions of supervision as follows:

You shall comply with the conditions of home detention for 30 days unless excused by the probation officer. During this time you will remain at your place of residence except for employment and other activities approved by your probation officer. You shall wear an electronic monitoring device and follow electronic monitoring procedures as outlined in Probation Form 61. The defendant shall pay a portion or the total cost of electronic monitoring services at the daily rate provided by the U.S. Probation Office. The daily rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office.

RE: William Walker  
1:00CR00238-001

### CAUSE

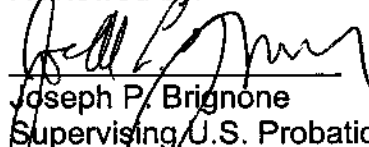
On April 22, 2005, the subject was instructed to report to the U.S. Probation Office for a random urine test. The urine sample taken that date was positive for marijuana. The specimen was sent to Scientific Testing Laboratories for confirmation and was confirmed positive for marijuana.

Upon confronting Mr. Walker with the results of the sample, he admitted to being in an environment where marijuana was being used. He related that again his use was related to a family member's death. No further information was supplied.

The U.S. Probation Office is seeking that Mr. Walker's condition of supervised release be modified to add a condition of 30 days home detention to be supervised under electronic monitoring. Mr. Walker has agreed to the recommended sanction and is willing to accept the modification as consequence for his behavior. The subject was offered to return to outpatient treatment. At this time, he declined indicating that he believes the drug use was an isolated behavior and remarked that he has too much to lose to engage in any further drug use. The subject executed the Probation Form 49, Waiver of a Hearing, and agreed to the recommended sanction.

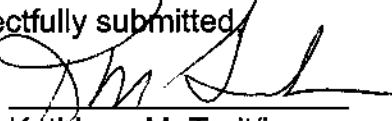
Should the Court have any questions regarding this recommendation, please feel free to contact the undersigned officer.

Reviewed by:

  
Joseph P. Brignone  
Supervising U.S. Probation Officer

Respectfully submitted,

by

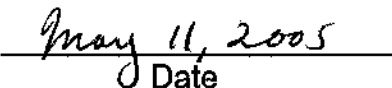
  
Kathleen M. Trait/jg  
Senior U.S. Probation Officer  
Date: 05/11/05

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### THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

  
Signature of Judicial Officer

  
Date

PROB 49  
(Revised 11/98)

**United States District Court  
Western District of New York**

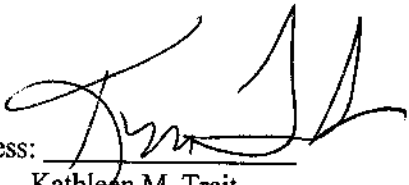
**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that all previously imposed conditions will remain in effect.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

You shall comply with the conditions of home detention for 30 days. During this time you will remain at your place of residence except for employment and other activities approved by your probation officer. You shall wear an electronic monitoring device and follow electronic monitoring procedures as outlined in Probation Form 61. The defendant shall pay a portion or the total cost of electronic monitoring services at the daily rate provided by the U.S. Probation Office. The daily rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office.

Witness:

  
Kathleen M. Trait  
Senior U.S. Probation Officer

Signed:

  
William Walker  
Supervised Releasee

  
Date